

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JEFFREY RIVERS, as the Administrator of  
the Estate of Heather Rivers,  
Plaintiff,**

**CIVIL ACTION**

**v.**

**NO. 18-4343**

**TRINITY CHE, and  
MERCY SEPA,  
Defendants.**

**ORDER**

**AND NOW**, this 4th day of March, 2019, upon consideration of Partial Motion To Dismiss Plaintiff's Amended Civil Action Complaint (Document No. 11, filed January 23, 2019), Plaintiff's Opposition to Defendants' Partial Motion To Dismiss Plaintiff's Amended Civil Action Complaint (Document No. 12, filed February 6, 2019), and Defendants' Reply Brief in Further Support of Their Partial Motion To Dismiss Plaintiff's Amended Civil Action Complaint (Document No. 17, filed February 18, 2019), for the reasons stated in the accompanying Memorandum dated March 4, 2019, **IT IS ORDERED** as follows:

1. That part of defendants' motion seeking to dismiss plaintiff's claims for harassment and disparate impact under the Americans with Disabilities Act ("ADA") is **GRANTED**, and those claims are **DISMISSED WITHOUT PREJUDICE**.
2. That part of defendants' motion seeking to dismiss plaintiff's "pattern or practice" of discrimination claim under the Family Medical Leave Act ("FMLA") is **GRANTED** and that claim is **DISMISSED WITH PREJUDICE**.
3. That part of defendants' motion to strike plaintiff's demands for punitive damages for the retaliation claim under the ADA and for punitive damages and damages related to

“mental anguish” and “disruption of her personal and professional life” for claims under the FMLA is **GRANTED**, and those demands are **STRICKEN**.

4. That part of defendants’ motion seeking an award of attorneys’ fees is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff is granted leave to file an amended complaint within twenty (20) days if warranted by the facts and applicable law as stated in the accompanying Memorandum dated March 4, 2019.

**IT IS FURTHER ORDERED** that the caption of the case and Plaintiff’s Amended Civil Action Complaint (Document No. 9, filed January 8, 2019), are amended to correctly name defendants as Trinity Health Corporation and Mercy Health System of Southeastern Pennsylvania.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**